

REMARKS

The pending claims 1 - 13, rejected for various reasons, have been cancelled. One new independent claim - Claim 14 - is presented here.

§ 103 Rejections

Claims 1 - 4, 7, 8, and 10 - 13 have been rejected under § 103 based on Kepecs (U.S. 6,009,411) in view of Williams et al (U.S. 6,075,971; "Williams").

New independent claim 14 recites these limitations for the claimed method:

- connecting the point of sale terminal to the host system in an initial split dial-up
- delaying initially connection of the point-of-sale terminal to the payment processing system
- following determination of applicable discounts, connecting the point-of-sale terminal to the payment processing system
- determining the applicability of discounts, the determining not done by the consumer

Kepecs has no teaching or suggestion of a split dial-up as claimed herein (this aspect already searched in dealing with now-cancelled claims 11 - 13). The text of Kepecs cited in the Office Action as disclosing an initial split connection ["(see at least col. 10 lines 19 - 67)"] does not disclose a split connection as claimed nor the delay in connecting the point-of-sale terminal to the payment processing system as now claimed herein. Also, Williams has no teaching or suggestion of such a split dial-up with the claimed delay.

Applicants note that Kepecs requires selection of discount(s) by a consumer

prior to a transaction. Applicants also assert that Kepecs neither teaches nor suggests a system as now claimed herein in which discounts are applied automatically at the time of a transaction at a vendor location without action or selection by or awareness of a consumer.

Williams does not remedy the deficiencies of Kepecs. Williams deals only with coupons that are provided to a user which then must be presented to a seller when a purchase is made. Williams requires that coupons be printed and provided to a user. Then the user must present the coupon to obtain the benefit of the discount represented by the coupon. In the method of new claim 14, the consumer does not present anything; the consumer does not apply the discount.

Applicants incorporate here all the remarks about the cited references from the previously filed Response To Office Action Mailed 09/10/04.

§ 103 Rejection

Claims 5 - 6 and 9 have been rejected under § 103 based on Kepecs in view of Williams and Hoffman (U.S. 5,297,026). This rejection is respectfully traversed.

Applicants repeat here the comments above regarding new Claim 14, the Kepecs reference, and the Williams reference. Hoffman does not remedy the deficiencies of Kepecs and of Williams.

Hoffman deals only with purchases made by a consumer in which the consumer is aware of the transaction and has nothing to do with a system or method in which discounts are automatically applied to a transaction whether the consumer is aware or not of an applicable discount.



Conclusion

Applicants appreciate the careful and detailed Office Action. This is intended to be a complete Response to the Office Action and to put the claims in condition for allowance. Applicants believe the pending claim is now in condition for allowance. Early and favorable reconsideration is respectfully requested.

Respectfully submitted,

Guy McClung
Reg. No. 29,008

Date: April 21, 05

PMB 347
16690 Champion Forest Drive
Spring, TX. 77379--7023

Phone: 281 893 5244

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with sufficient postage as first class U.S. mail with the United States Postal Service in an envelope addressed to: Mail Stop AF, Commissioner For Patents, Alexandria, VA 22313-1450, on 21 Apr 05

Date: April 21, 05
Guy McClung, Reg. No. 29,008

8729306 CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the original of this correspondence is being facsimile transmitted to the Examiner at 703 746 1222 at Mail Stop AF, Commissioner for Patents; P.O. Box 1450; Alexandria VA 22313-1450 on April 21, 05

Date: April 21, 05
Guy McClung, Reg. No. 29,008